

EXHIBIT 87

CONFIDENTIAL

** C O N F I D E N T I A L **

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No. 5:20-cv-5146-LHK

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PATRICK CALHOUN, ELAINE CRESPO,
HADIYAH JACKSON and CLAUDIA
KINDLER, on behalf of all
others similarly situated,
Plaintiffs,

- against -

GOOGLE LLC,
Defendant.

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(Caption Continued)

November 24, 2021

9:06 a.m.

VOLUME II

Continued Videotaped Deposition of
ABDELKARIM MARDINI, taken by Plaintiffs,
pursuant to Notice, held via Zoom
videoconference, before Todd DeSimone, a
Registered Professional Reporter and Notary
Public of the States of New York and New
Jersey.

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CONFIDENTIAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 Case No. 5:20-cv-03664-LHK
5 -----x
6 CHASOM BROWN, WILLIAM BYATT,
7 JEREMY DAVIS, CHRISTOPHER
8 CASTILLO and MONIQUE TRUJILLO,
9 individually and on behalf of all
10 others similarly situated,
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12 Plaintiffs,
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16 ALSO PRESENT:

17 MATTHEW GUBIOTTI, Google LLC

18 MARC FRIEDMAN, Videographer

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1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:06 a.m.
3 eastern standard time on Wednesday,
4 November 24th, 2021. Please silence your
5 cell phones, computer tone or any other
6 electronic devices you have near you.
7 Audio and video recording will continue to
8 take place unless all parties agree to go
9 off the record.

10 This is media unit number one
11 of the video-recorded deposition of
12 AbdelKarim Mardini, Volume II. The caption
13 of this case is Patrick Calhoun, et al.,
14 versus Google LLC. This case is filed in
15 the United States District Court, Northern
16 District of California, San Jose Division,
17 case number 5:20-CV-5146. Second caption,
18 Chasom Brown, et al., versus Google LLC.
19 This case is also filed in the United
20 States District Court, Northern District of
21 California, San Jose Division, case number
22 5:20-CV-03664. This is also Volume II of
23 Mr. Mardini's testimony.

24 My name is Marc Friedman, I'm
25 your certified video legal specialist, your

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1 do that means that we need to tell the
2 Google back end that user is in incognito,
3 and obviously this would not work because
4 many users use incognito to segment or
5 separate their identities.

6 Q. Does this meeting with Mardini,
7 does this concern discussions about sending
8 a signal to Google to delete logs from
9 incognito browsing at the end of the
10 incognito browsing?

11 MR. SCHAPIRO: Objection,
12 foundation, calls for speculation, asked
13 and answered.

14 A. I don't remember honestly what
15 was discussed in this specific meeting.

16 Q. Do you recall any discussions
17 regarding sending a signal to Google to
18 delete logs from incognito browsing?

19 A. Yes.

20 Q. What do you recall?

21 A. I recall discussing the pros
22 and cons and the different ways that we can
23 do that while maintaining consistency in
24 our position about not letting websites
25 know whether user is in incognito or not.

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1 Q. Did Google ever implement that
2 change to send a signal to Google to delete
3 logs from incognito browsing?

4 MR. SCHAPIRO: Objection,
5 mischaracterizes the testimony.

6 A. Not to my knowledge.

7 Q. But that was something that was
8 considered, correct?

9 MR. SCHAPIRO: Objection to the
10 form.

11 A. Yes, it was something that was
12 considered and had major issues with it.

13 Q. And that was separate -- sorry.

14 A. I said it is definitely
15 something that was considered but it had
16 major issues with it regarding how
17 incognito works, Chrome incognito works.

18 Q. And that was separate from
19 blocking sign-in while in incognito,
20 correct?

21 A. It is under the same umbrella.
22 I wouldn't say it is separate, except that
23 sending a signal can happen at the
24 beginning of the incognito session or it
25 can happen after you end the incognito

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1 session, whereas if you want to block
2 signing in, it needs to definitely be in
3 the beginning.

4 MR. REBLITZ-RICHARDSON: Let's
5 mark Exhibit 46, GOOG-BRWN-00182492.

6 (Mardini Exhibit 46 marked for
7 identification.)

8 Q. Mr. Mardini, would you please
9 let me know when you have Exhibit 46 in
10 front of you.

11 A. Exhibit 46, I see it now. Let
12 me double click to open it. Yes, I opened
13 it.

14 Q. Mr. Mardini, is Exhibit 46 an
15 e-mail you sent as part of your work for
16 Google?

17 A. It appears to be, yes.

18 Q. And if you look down at the
19 bottom half do you see there is the "FWIW,
20 this is what I sent Anil/Parisa/ Margret"?

21 A. Yes.

22 Q. And so there is three bullets
23 there, correct, one is "blocking signing-in
24 while in incognito," the second is "sending
25 signal to web properties to indicate user

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